

## REMARKS

### **Status of the Claims**

Claims 1-14, 18, 22, 23, 25-27, 29-37 and 51 are pending in the application. Claims 15-17, 19-21, 24, and 28 are presently being cancelled and claims 38-50 were previously cancelled. Attached is a marked-up version of the amended claims 18, 22, 25, 29 and 51. Claim 29 has been amended to better distinguish over the reference upon which it was rejected and claim 51 has merely been limited in its dependency to claim 29.

An executed Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) is enclosed together with an executed Reissue Application Declaration by the Inventor which includes both the residence and mailing address of the inventor.

All of the claims were rejected for defective oath and this rejection is respectfully submitted to be overcome by the submission of the attached supplemental oath.

Claims 18, 22, 23, 25-27 and 35 were objected to as being dependent on a rejected base claim. Claims 18, 22, 23, and 25-27 have been rewritten where necessary to place them in independent form including the all of the limitations of the base claim and any intervening claims. Claim 35 is dependent on claim 29 which has been amended to overcome its art rejection. Accordingly, claim 35 is merely re-presented for allowance along with the other claims dependent on amended claim 29.

Claim 29 was rejected in the Office action mailed October 14, 2004, as being anticipated by IT 1250630 hereinafter the "IT" reference. Claim 29 has been amended herein to require an individual stirring head with two separate and distinct features. First, The body of the stirring head is shaped in a manner to trap the cover in position when the can is inserted on the shelf so that the drive shaft is aligned with the drive mechanism in the stirring head. Second the same stirring head body further includes a *separate* interference arm that blocks rotation of the can. Thus, the can positioning and can rotation preventing mechanisms are separately implemented on an individual stirring head associated with a single can.

In contrast, the IT reference shows a tubular housing 10 in the nature of a manifold with plural openings 11 and a pair of depending flanges (see element below 11 in Fig. 3, e.g.), so unimportant to the IT reference that they are not referenced anywhere in the text and have no reference numeral. Yet, the examiner surmises that the flanges engage the spout of the can. In fact, as seen in Figs. 4-5 of the IT reference, the depending flanges do indeed engage the spout and thereby also guide and maintain the can in alignment with the drive mechanism (motor driven flap 12).

Thus two distinctions are totally missing from the IT reference: individual stirring heads (the IT reference has a manifold tube 10 for plural can stations) and a rotation preventing interference arm separate from whatever means position and align the can cover to properly engage the drive mechanism. These are significant differences and nothing within the four corners of the IT reference suggests either one of these features, let alone the combination presented in claim 29.

Accordingly claim 29 and all of the claims depending from claim 29 are submitted to be patentably distinct from the IT reference.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (617) 521-7838.

Enclosed is a Petition for Extension of Time along with a check for the required fee. Please apply any fees or credits due in this case, which are not already covered by check, to Deposit Account 06-1050, referencing Attorney Docket No. 10767-003001.

Applicant : Michel Lesimple  
Serial No. : 09/648,588  
Filed : August 25, 2000  
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Attorney's Docket No.: 10767-003001  
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Respectfully submitted,

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Applicant: Michel Lesimple  
Serial No.: 09/648,588  
Filed: August 25, 2000  
Title: DRIVING HEAD FOR STIRRER CANS

Art Unit: 1723  
Examiner: Charles E. Cooley

**Version of Claims 18, 22, 25, 29 and 51 with Markings to Show Changes  
Being Made**

18. The system of claim 15 A system for stirring paint in an insertable can,  
comprising:

a can cover with a rotatable paint stirrer;  
a can support shelf;  
a stirring head positioned above the shelf that engages the stirrer when the can is  
inserted on the shelf, and

an interference arm extending from above the location of the can downwardly  
toward the shelf that mechanically interferes with the cover as a stop against rotation in a  
single direction to prevent rotation of the cover in the same direction of rotation of the  
stirrer,

a region between the stirring head and the shelf for inserting a can for stirring, the  
region being free of obstructions that would restrain insertion of the can or the cover to a  
single orientation on the shelf,

wherein the interference arm is pivotable with respect to the stirring head.

22. The system of claim 21 A system for stirring paint in an insertable can,  
comprising:

a can cover with a rotatable paint stirrer;  
a can support shelf;  
a stirring head positioned above the shelf that engages the stirrer when the can is  
inserted on the shelf, and

an interference arm extending from above the location of the can downwardly  
toward the shelf that mechanically interferes with the cover as a stop against rotation in a  
single direction to prevent rotation of the cover in the same direction of rotation of the  
stirrer,

a region between the stirring head and the shelf for inserting a can for stirring, the region being free of obstructions that would restrain insertion of the can or the cover to a single orientation on the shelf,

wherein the can cover includes a pouring spout and the interference arm engages the spout to prevent rotation,

wherein the paint stirrer includes a rotatable drive shaft, and further including an engaging member connected to the stirring head, the engaging member engaging an upper portion of the drive shaft, and

wherein the engaging member is a collar.

25. The system of claim 24 A system for stirring paint in an insertable can, comprising:

a can cover with a rotatable paint stirrer;

a can support shelf;

a stirring head positioned above the shelf that engages the stirrer when the can is inserted on the shelf, and

an interference arm extending from above the location of the can downwardly toward the shelf that mechanically interferes with the cover as a stop against rotation in a single direction to prevent rotation of the cover in the same direction of rotation of the stirrer,

a region between the stirring head and the shelf for inserting a can for stirring, the region being free of obstructions that would restrain insertion of the can or the cover to a single orientation on the shelf,

wherein the can cover includes a pouring spout and the interference arm engages the spout to prevent rotation,

wherein the paint stirrer includes a rotatable drive shaft, and further including an engaging member connected to the stirring head, the engaging member engaging an upper portion of the drive shaft

wherein the engaging member is connected to a downwardly extending body, and

wherein the interference arm is connected to the body adjacent the engaging member.

29. A system for stirring paint in a can, comprising:

a can cover with a paint stirrer that includes a rotatable drive shaft;

a can support shelf; and

~~a an individual stirring head for a single can positioned above the shelf that engages the stirrer when the can is inserted on the shelf, the stirring head comprising a body carrying a rotational stirrer drive mechanism, said body being shaped to trap the cover in position when the can is inserted on the shelf so that the drive shaft of the stirrer in the cover is drivingly aligned with the rotational drive mechanism in the stirring head, said body further including an a separate interference arm that extends downwardly toward the shelf that prevents rotation of the cover as the stirrer rotates by mechanically interfering with the cover as a stop against rotation in a single direction to prevent rotation of the cover in the same direction of rotation of the stirrer and an engaging member for engaging a portion of the drive shaft extending above the can cover,~~

~~a region between the stirring head and the shelf for inserting a can for stirring, the region being free of obstructions that would restrain insertion of the can or the cover to a single orientation on the shelf.~~

51. The system of ~~any one of~~ claims 15, 16 or 29 wherein the head is connected to a hollow shelf arranged above the can cover.